

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

Via E-FILE

June 10, 2013

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 E. Capital Avenue
Springfield, Illinois 62701

Re: ICC Docket No. 13-0387

Dear Chief Clerk:

Attached please find the VERIFIED PETITION TO INTERVENE OF THE KROGER CO. and its NOTICE OF FILING to be filed in the above-referenced docket. Please place this document of file.

By copy of this letter, all parties on the attached certificate of service have been served.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kurt J. Boehm", followed by a second, less legible signature.

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY

KJBkew
Enclosure

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

COMMONWEALTH EDISON COMPANY	:	ICC Docket No. 13-0387
	:	
Revenue-neutral tariff changes related to rate design	:	
	:	

**VERIFIED PETITION TO INTERVENE
OF THE KROGER CO.**

Pursuant to 83 Ill. Admin. Code 200.200 The Kroger Co. ("Kroger"), through its counsel, petitions the Illinois Commerce Commission for leaves to intervene in the above-captioned matter. In support of its petition Kroger states:

1. Kroger is a corporation engaged in the business of selling groceries at retail throughout the United States. Kroger has numerous stores in Commonwealth Edison Company's service territory. Kroger purchases millions of kWh of electricity from the Company annually. Petitioner is one of the largest commercial customers served by the Company. The grocery stores operated by Kroger are high load factor facilities that use energy for food storage, lighting, heating, cooling and distribution, often on a 24 hour a day, 7 day a week basis.
2. Kroger wishes to be granted intervention in this matter. Petitioner has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party.
2. Kroger agrees to accept service by electronic means per Section 200.1050 and requests that the following be added to the service list:

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
Boehm, Kurtz & Lowry
36 E. Seventh St., Suite 1510
Cincinnati, Ohio 45202
ph: 513.421.2255 fax: 513.421.2764
e-mail: kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com

Kevin Higgins
Energy Strategies, LLC
Parkside Towers
215 South State Street, Suite 200
Salt Lake City, Utah 84111
ph: 801-355-4365 fax: 801-521-9142
e-mail: khiggins@energystrat.com

WHEREFORE, The Kroger Co. respectfully petitions the Commission for leave to intervene in the above-captioned proceeding.

Respectfully submitted,



Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513-421-2255 Fax: 513-421-2764

e-mail: kboehm@BKLawfirm.com


jkyler@BKLawfirm.com

COUNSEL FOR THE KROGER CO.

June 10, 2013

VERIFICATION

I, Kurt J. Boehm, being sworn on oath, state that the PETITION TO INTERVENE OF THE KROGER CO. filed in Docket No. 13-0387 is true and accurate to the best of my knowledge, information and belief.



Kurt J. Boehm, Esq.

Subscribed and sworn to before me this 10 day of June, 2013.



Notary Public

Kimberly Walton
Notary Public, State of Ohio
My Commission Expires 08-28-2014

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

COMMONWEALTH EDISON COMPANY

: ICC Docket No. 13-0387

Revenue-neutral tariff changes related to rate design

**:
:
:
:**

NOTICE OF FILING

TO ALL PARTIES ON THE SERVICE LIST:

Please take notice that on this 10 day of June, 2013 THE KROGER CO. filed its VERIFIED PETITION TO INTERVENE OF THE KROGER CO. with the Illinois Commerce Commission via eDocket. Copies have been served via electronic mail.

Respectfully submitted,



Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513-421-2255 Fax: 513-421-2764

e-mail: kboehm@BKLawfirm.com

jkylercohn@BKLawfirm.com

COUNSEL FOR THE KROGER CO.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above Notice, together with a copy of the document referred to therein, have been served upon all parties on the attached service list by electronic mail, on the 17th day of June, 2013.



Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.

- **Kelly Armstrong**
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601-3104
karmstrong@icc.illinois.gov
- **Eugene Bernstein, Atty. for Commonwealth Edison Co.**
10 S. Dearborn St., 49th Fl.
Chicago, IL 60603
eugene.bernstein@exeloncorp.com
- **Jessica L. Cardoni, Office of General Counsel**
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601
jcardoni@icc.illinois.gov
- **Kathleen Crossett, Public Utilities Bureau**
Illinois Attorney General's Office
100 W. Randolph St., 11th Fl.
Chicago, IL 60601
kcrossett@atg.state.il.us
- **Janice A. Dale, Chief Assistant AG**
Public Utilities Bureau
Illinois Attorney General's Office
100 W. Randolph St., 11th Fl.
Chicago, IL 60601
jdale@atg.state.il.us
- **John Feeley**
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601
jfeeley@icc.illinois.gov
- **Terrance Hilliard, ALJ**
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601-3104
thilliard@icc.illinois.gov
- **Heather Jorgenson, ALJ**
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601
hjorgens@icc.illinois.gov
- **Thomas S. O'Neill, Sr. Vice President & General Counsel**
Commonwealth Edison Company
440 S. LaSalle St., Ste. 3300
Chicago, IL 60605
thomas.oneill@comed.com
- **G. Darryl Reed, Atty. for Commonwealth Edison Co.**
Sidley Austin LLP
One S. Dearborn St.
Chicago, IL 60603
gdreed@sidley.com
- **John E. Rooney, Atty. for Commonwealth Edison Co.**
Rooney Rippie & Ratnaswamy LLP
350 W. Hubbard St., Ste. 600
Chicago, IL 60654
john.rooney@r3law.com
- **Scott J. Rubin**
Law Office of Scott J. Rubin
333 Oak Lane
Bloomsburg, PA 17815
scott.j.rubin@gmail.com
- **Susan L. Rubner, Atty. for Commonwealth Edison Co.**
Rooney Rippie & Ratnaswamy LLP
350 W. Hubbard St., Ste. 600
Chicago, IL 60654
susan.rubner@r3law.com
- **Carla Scarsella, Atty. for Commonwealth Edison Co.**
Rooney Rippie & Ratnaswamy LLP
350 W. Hubbard St., Ste. 600
Chicago, IL 60654
carla.scarsella@r3law.com
- **Scott Struck, Case Manager**
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
sstruck@icc.illinois.gov